

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THETHESIUS HOSEA MOSLEY,

Plaintiff,

v.

ZEPP,

Defendant.

Case No. 1:23-cv-00421-JLT-EPG (PC)

**ORDER DENYING AS UNNECESSARY  
MOTION TO INCLUDE OUTSIDE  
MEDICAL RECORDS**

(ECF No. 29).

Plaintiff Thethesius Hosea Mosley is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's deliberate indifference claim against Defendant Zepp.

Now before the Court is Plaintiff's "addendum motion to include outside medical records of operation/procedure meniscus tear," which includes some of Plaintiff's medical records as attachments. (ECF No. 29) (capitalization omitted). While unclear, it appears that Plaintiff believes he needs to provide the medical records to the Court as part of discovery.

The Court will deny the motion as unnecessary. Generally, parties are required to exchange discovery among themselves, with discovery being filed with the Court when used to support a motion or used in some proceeding. *See* Fed. R. Civ. P. 5(d)(1)(A) ("Any paper after the complaint that is required to be served must be filed no later than a reasonable time after service. But disclosures under Rule 26(a)(1) or (2) and the following discovery requests and responses must not be filed until they are used in the proceeding or the court orders filing:

depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.”).

Accordingly, IT IS ORDERED as follows:

1. Plaintiff’s motion to include outside medical records (ECF No. 29) is denied as unnecessary.
2. Plaintiff is not required to file discovery as a matter of course with the Court; rather, he should provide discovery directly to defense counsel.
3. Plaintiff only needs to file discovery with the Court if it is being attached as an exhibit in support of a motion, is being used in a court proceeding, or as otherwise directed by the Court.

IT IS SO ORDERED.

Dated: October 30, 2023

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE